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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,931	03/25/2004	Joseph A. King	5860	6896

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EXAMINER

PRINCE, FRED G

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/808,931	KING, JOSEPH A.	
	Examiner	Art Unit	
	Fred Prince	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 15-19 is/are allowed.
- 6) ☒ Claim(s) 6-14 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 2 of the Specification, line 8, the question marks should be removed and replaced by the serial number of the application. Further, the status of each application (abandoned, pending, or the patent number) must be provided immediately after the filing date.

Appropriate correction is required.

Allowable Subject Matter

2. The indicated allowability of claims 6-14 and 20-27 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 11 recites the limitation "the liquid inlet" in line 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 25 recites the limitation "the dispensers" in line 2. It is noted that claim 25 depends from claim 20 which recites "a dispenser." There is insufficient antecedent basis for "dispensers" claim 25.

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7. Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recited that the filter housing is located on either a low pressure side of itself ("the filter housing") or a high pressure side of itself ("the filter housing"). It is unclear to the examiner how a filter housing can be located on itself, regardless of a low pressure side or a high pressure side.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 6, 10-14, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammonds (US Pat No 6,337,024).

Hammonds teaches a filter (106), a liquid conduit (36, 38) for directing a liquid stream therethrough, a cap (24) having a sealing member (Fig. 6), a dispensing device (16) located in a transition region with said dispensing device

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secured to said liquid conduit and mounted on a container wall (104) so as to maintain the dispensing device directly in the liquid stream with said dispensing device comprising a dispensing container (20) having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (col. 5, lines 26-42).

10. Claims 6-8, 10-13, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Brandreth, III (US Pat No 6,267,886).

Brandreth, III teaches a filter (53), a diverter (32, 36), a liquid conduit (51, 52) for directing a liquid stream therethrough, a cap (22, 21) having a threaded sealing member (27), a dispensing device (30) located in a transition region with said dispensing device secured to said liquid conduit so as to maintain the dispensing device directly in the liquid stream with said dispensing device comprising a dispensing container (31, 32, 33) having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (Fig. 3).

11. Claims 6-8 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maglio et al. (US Pat No 4,908,190).

Maglio et al. teach a diverter (66), a liquid conduit (28, 30, 32) for directing a liquid stream therethrough, a cap (20, 50) having a threaded sealing member (24, 52), a dispensing device (12) located in a transition region with said dispensing device secured to said liquid conduit so as to maintain the dispensing

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device directly in the liquid stream with said dispensing device comprising a dispensing container having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (col. 4, lines 26-40).

12. Claims 6-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US Pat No 4,691,732).

Johnson et al. teach a diverter (30,32), a liquid conduit (14, 16) for directing a liquid stream therethrough, a cap (Fig. 1) having a threaded sealing member (22, 28), a dispensing device (24) located in a transition region with said dispensing device secured to said liquid conduit so as to maintain the dispensing device directly in the liquid stream with said dispensing device comprising a dispensing container having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (Fig. 1).

13. Claims 6-8, 10-13, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Watson (US Pat No 4,181,702).

Watson teaches a diverter (28), a filter (40), a liquid conduit (53, 54) for directing a liquid stream therethrough, a threaded cap (25; col. 8, lines 22-29) having a central opening (81), a support member (27), a dispensing device (20) located in a transition region with said dispensing device secured to said liquid conduit so as to maintain the dispensing device directly in the liquid stream with

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said dispensing device comprising a dispensing container having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (col. 9, lines 11-21).

14. Claims 6-8, 10-14, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mackey (US Pat No 3,867,290).

Mackey teaches a filter (56), a liquid conduit (26, 52) for directing a liquid stream therethrough, a cap (54) having a sealing member (58), a dispensing device () located in a transition region with said dispensing device secured to said liquid conduit and mounted on a container wall (bottom of container 22) so as to maintain the dispensing device directly in the liquid stream with said dispensing device comprising a dispensing container having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (col. 3, lines 10-29).

15. Claims 6-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Richards (US Pat No 3,864,090).

Richards teaches a diverter (28), a liquid conduit (128, 130, 14) for directing a liquid stream therethrough, a cap (18) having a threaded sealing member (69; Fig. 2), a dispensing device (16) located in a transition region with said dispensing device secured to said liquid conduit so as to maintain the dispensing device directly in the liquid stream with said dispensing device

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comprising a dispensing container having a liquid dispensable material contained therein for dispensing the liquid dispensable material at a first rate when there is no liquid flow through the liquid conduit and at a second rate in response to liquid flowing through the liquid conduit (col. 4, lines 48-61).

16. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US Pat No 3,899,425).

Lewis teaches a dispenser (92, 94, 96), a liquid filter housing (38) having a chamber therein, a cap (84) on said liquid filter housing, a sealing member (66) for sealing said cap to said dispenser, said cap (84) having an opening therein for mounting a dispenser to permit liquid flowing therethrough to generate the dispersant at a second rate when the liquid is flowing through said liquid filter housing and at a first rate when the liquid is not flowing through said liquid filter housing (col. 4, lines 46-61).

17. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Graves (US Pat No 5,409,604).

Graves teaches a liquid filter housing (270) having a chamber therein, a cap (254) on said liquid filter housing, said cap having an opening (Fig. 11) therein for mounting a dispenser thereto with the dispenser able to permit liquid flowing therethrough to generate the dispersant at a second rate when the liquid is flowing through said liquid filter housing and at a first rate when the liquid is not flowing through said liquid filter housing, and at least two dispensers (285, 286) are mounted in said cap with each extending partially into the chamber.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 9, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one Hammonds, Brandreth, III, Watson, Mackey, and Lewis.

The primary references are described above. The references do not disclose providing fingers frictionally engaging an inlet, a flange on the dispenser or a finger grip on the dispenser.

Per claim 9, it submitted that substituting one known means for attachment for another is well within the purview of the skilled artisan as a matter of design choice, absent a proper showing of a new and unexpected result. Further, it is noted that applicant has not provided for the record via, for example, comparative test data, a proper showing any new or unexpected result issuing from utilized the instantly recited engaging means.

Per claim 23, it is submitted that it is well known in the art to provide a flange and sealing ring on a dispenser in order to, for example, reliably mate and seal two surfaces together (see, for example, US Pat No 4,735,782 to Wicker et al.). Accordingly, it would have been readily obvious for the skilled artisan to modify any of the primary references such that it has a flange and sealing ring on

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a dispenser in order to, for example, reliably mate and seal two surfaces together, as known in the art.

Per claim 25, it is submitted that it is well known in the art to provide a finger grip on a housing in order to, for instance, easily manipulate a container (see, for example, US Pat No 4,241,025 to Grayson, IV et al.). Accordingly, it would have been readily obvious for the skilled artisan to modify any of the primary references such that it has a finger grip in order to, for example, easily manipulate the container, as known in the art.

Allowable Subject Matter

20. Claims 1-5 and 15-19 are allowed.

21. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 15 are allowed for the reasons provided by the previous Examiner in the Office Action mailed to applicant on September 21, 2005.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fred Prince
Primary Examiner
Art Unit 1724

fgp
1/26/06